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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,701	09/06/2005	Gunnar Myhr	BRYN/0006	7442
7590 09/04/2008				
William B Patterson Moser Patterson & Sheridan 3040 Post Oak Boulevard Suite 1500 Houston, TX 77056			EXAMINER SEHN, MIN	
			ART UNIT 3688	PAPER NUMBER
			MAIL DATE 09/04/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/526,701

Applicant(s)

MYHR, GUNNAR

Examiner

Min Shin

Art Unit

3688

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-7 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 04 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 3/4/2005
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Inventor's Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to the initial filing on March 4, 2005. Claims 1-7 are currently pending and have been considered below.
2. **Examiner's Note:** Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the **entire** reference as potentially teaching all or part of the claimed invention, as well as the content of the passage as taught by the prior art or disclosed by the Examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al (US 6,587,755).

Claim 1:

Smith discloses a method for operating at least one information display unit (14), a control unit (9) controlling duration of, and selection between, various still picture and video messages being displayed by said display unit (14), said control unit (9) operating in accordance with at least one timing algorithm based on socio-economic and behavioural parameters, whereby said messages are selected, changed, prolonged, repeated and deleted dependent on values of said parameters (see Figures 1 and 2),

characterized in that at least one sensor (13, 16) mounted near said display unit (14) delivers to said control unit (9) which is an independent local control unit (9), signals representative of any of

a) at least one environmental parameter (column 9, lines 30-40, lines 60-67)

b) at least one behavioural parameter and (column 9, lines 30-40, lines 60-67)

c) at least one environmental parameter and at least one behavioural parameter, said at least one timing algorithm also being based on possible environmental parameters and being operative to provide display control on the basis of said signals, thereby to provide independent message control and to adapt message selection, change, duration and frequency to a current parameter situation (see column 7, lines 22-35).

Claim 2:

Smith discloses the method of claim 1 as described above and further discloses wherein characterized in that said timing algorithm is based on statistical data regarding the visiting frequency of specific socioeconomic people groups in a viewing area of said display unit (14) (see column 9, lines 30-40).

Claim 3:

Smith discloses the method of claim 1 as described above and further discloses wherein characterized in that said independent control unit (9) acts in a signal transport network to modify said independent message control on the basis of information transferred via said network from other control units (1) attached to respective display units (14'), regarding their local parameter values (see column 7, lines 22-35; column 9, lines 30-40).

Claim 4:

Smith discloses the method of claim 1 as described above and further discloses wherein characterized in that sensors (13, 16) mounted near at least two display units (14, 14') provide a basis for sequencing messages to be displayed in time dependency from one display unit (14) to the other (14'), said at least one timing algorithm being operative to interrelate behavioural and/or environmental parameter values detected at several display unit sites, respective control units (9, 1) attached to said display units (14, 14') being interconnected via a communications network, for instance a telephone network or Internet (see column 7, lines 22-30, 51-57).

Claim 5:

Smith discloses an information display system comprising at least one information display unit (14), a control unit (9) controlling duration of, and selection between, various still picture and video messages being displayed by said display unit (14), said control unit (9) being equipped with at least one timing algorithm for selecting, changing, prolonging, repeating and deleting respective messages on the basis of currently valid socioeconomic and behavioural parameter values held in store by said control unit (9),

characterized by at least one sensor (13, 16) mounted near said display unit (14) to deliver to said control unit (9) which is an independent local control unit (9), signals representative of any of

a) at least one environmental parameter,

b) at least one behavioural parameter, and

c) at least one environmental parameter and at least one behavioural parameter,

said at least one timing algorithm also being based on possible environmental parameters and being operative to provide display control on the basis of said signals, thereby to provide independent message control and to adapt message selection, change, duration and frequency to a current parameter situation (see Figures 1 and 2; column 9, lines 30-40, lines 60-67; column 7, lines 22-35).

Claim 6:

Smith discloses the system of claim 5 as described above and further discloses wherein characterized in that said independent control unit (9) is a node in a signal transport network, thereby being able to modify said independent message control on the basis of information transferred via said network from other control units (1) attached to respective display units (14') regarding their local parameter values (see column 5, lines 43-53).

Claim 7:

Smith discloses the system of claim 5 as described above and further discloses wherein characterized by sensors (13, 16) mounted near at least two display units (14, 14') to provide a basis for sequencing messages to be displayed in time dependency from one display unit (14) to the other (14'), said at least one timing algorithm being operative to interrelate behavioural and/or environmental parameter values detected at several display unit sites, respective control units (9, 1) attached to said display units (14, 14') being interconnected via a communication network, for instance a telephone network or Internet (see column 7, lines 22-30, 51-57).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The examiner notes that the following references included in the

Applicant's information disclosure statements are also very pertinent to the invention and include many, if not all, of the claimed invention

- Powers (US 2002/0097193)
- Kanevsky (US 2003/0088463)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Min Shin whose telephone number is (571) 270-3463. The examiner can normally be reached on Monday-Friday 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Myhre can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.